

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA;
THE STATES OF CALIFORNIA, DELAWARE,
FLORIDA, ILLINOIS, INDIANA, LOUISIANA,
MASSACHUSETTS, MICHIGAN, MONTANA,
NEVADA, NEW HAMPSHIRE, NEW JERSEY,
NEW YORK, OKLAHOMA, RHODE ISLAND,
TEXAS, VIRGINIA, WISCONSIN, AND THE
DISTRICT OF COLUMBIA, EX REL.
HERBERT J. NEVYAS, M.D. AND ANITA
NEVYAS-WALLACE, M.D.,

Plaintiffs,

v.

ALLERGAN, INC.,

Defendant.

CIVIL ACTION NO. 09-432

HON. MARK A. KEARNEY

[PROPOSED] ORDER

This Court having been informed of a settlement entered into among the Relators, Allergan, the United States, and the Plaintiff States (as those terms are defined in the Request for Dismissal), and Relators having filed a Request for Dismissal with the consent of Allergan, the United States, and the Plaintiff States, it is hereby ORDERED, that this action is dismissed:

- (a) with prejudice to the Relators for all claims;
- (b) with prejudice to the United States and the Plaintiff States for the claims released by the United States and the Plaintiff States in the parties' Settlement Agreements; and

(c) without prejudice to the United States and the Plaintiff States for any claims in this action that are not specifically released by the United States and the Plaintiff States in the parties' Settlement Agreements.

IT IS SO ORDERED, this _____ day of _____, 2017.

JUDGE MARK A. KEARNEY
UNITED STATES DISTRICT COURT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA;
THE STATES OF CALIFORNIA, DELAWARE,
FLORIDA, ILLINOIS, INDIANA, LOUISIANA,
MASSACHUSETTS, MICHIGAN, MONTANA,
NEVADA, NEW HAMPSHIRE, NEW JERSEY,
NEW YORK, OKLAHOMA, RHODE ISLAND,
TEXAS, VIRGINIA, WISCONSIN, AND THE
DISTRICT OF COLUMBIA, EX REL.
HERBERT J. NEVYAS, M.D. AND ANITA
NEVYAS-WALLACE, M.D.,

Plaintiffs,

v.

ALLERGAN, INC.,

Defendant.

CIVIL ACTION NO. 09-432

HON. MARK A. KEARNEY

REQUEST FOR DISMISSAL

Relators Herbert J. Nevyas, M.D. and Anita Nevyas-Wallace, M.D. (collectively “Relators”), Defendant Allergan, Inc. (“Allergan”), the United States, and the States of California, Delaware, Florida, Illinois, Indiana, Louisiana, Massachusetts, Michigan, Montana, Nevada, New Hampshire, New Jersey, New York, Oklahoma, Rhode Island, Texas, Virginia, Wisconsin and the District of Columbia (collectively “the Plaintiff States”) have entered into Settlement Agreements.

Pursuant to those Settlement Agreements, and pursuant to Federal Rule of Civil Procedure 41(a)(2), Relators respectfully request that the Court enter an Order dismissing this action: (a) with prejudice to the Relators for all claims; (b) with prejudice to the United States and the Plaintiff States for the claims released by the United States and the Plaintiff States in the

parties' Settlement Agreements; and (c) without prejudice to the United States and the Plaintiff States for any claims in this action that are not specifically released by the United States and the Plaintiff States in the parties' Settlement Agreements.

Pursuant to 31 U.S.C. § 3730(b)(1) and analogous provisions of the applicable state false claims laws, Relators have obtained the consent of Allergan, the United States, and the Plaintiff States for a dismissal of the action pursuant to the terms set forth in this Request for Dismissal.

A proposed Order is submitted herewith.

Respectfully submitted this 27th day of June, 2017.

DATED: 6/27/2017

BY:



MARC S. RASPANTI
MICHAEL A. MORSE
I.D. NOS. 41350, 80507
Pietragallo Gordon Alfano Bosick & Raspanti, LLP
1818 Market Street, Suite 3402
Philadelphia, PA 19103
(215) 320-6200

David J. Chizewer, Esquire
Matthew K. Organ, Esquire
Goldberg Kohn
55 East Monroe Street, Suite 3300
Chicago, IL 60603
(312) 201-4000

Counsel for Relators

CERTIFICATE OF SERVICE

This is to certify that on June 27, 2017, a true and correct copy of the foregoing Request for Dismissal has been served on the following in the manner listed below:

VIA ECF and ELECTRONIC MAIL

Steven Payne, Esquire
John Partridge, Esquire
Sean Twomey, Esquire
spayne@gibsondunn.com
jpartridge@gibsondunn.com
stwomey@gibsondunn.com
Gibson, Dunn & Crutcher, LLP
1050 Connecticut Avenue, N.W.
Washington, DC 20036-5306

Counsel for Defendant Allergan, Inc.

Charlene Keller Fullmer
Assistant United States Attorney
United States Department of Justice
615 Chestnut Street, Suite 1250
Philadelphia, PA 19106-4476
Charlene.Fullmer@usdoj.gov

Counsel for the United States of America

Jay Speers
Counsel to Medicaid Fraud Control Unit
Office of the Attorney General of New York State
120 Broadway, 13th Floor
New York, NY 10271
Jay.speers@ag.ny.gov

Counsel for the State of New York

Katie M. Wilson
Assistant Attorney General
State of Wisconsin Department of Justice
17 W. Main Street
P.O. Box 7857
Madison, WI 53707-7857
wilsonkm@doj.state.wi.us

Counsel for the State of Wisconsin, and Team Leader for Plaintiff States

By: /s/ Michael A. Morse
MICHAEL A. MORSE, ESQUIRE
I.D. No. 80507
1818 Market Street, Suite 3402
Philadelphia, PA 19103
(215) 320-6200